

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

2007 FEB 15 A 8 33

Pierce O'Donnell

O'Donnell & Mortimer LLP

f/k/a O'Donnell & Shaeffer LLP

Dolores Valdez

Other Conduit Respondents: Christina Andujo, Hilda Escobar, Jacqueline Folsom, Russell Folsom, Anita Latinovic, Else Latinovic, Mary O'Donnell, Meghan O'Donnell, Elizabeth Owen, Bart Rodriguez, Johnny Rodriguez, Rafael Velasco, Gerald Wahl, Helen Wahl, and Harry Silberman.

MUR 5758

SENSITIVE

GENERAL COUNSEL'S REPORT #1¹

I. ACTIONS RECOMMENDED

(1) Find probable cause to believe that Pierce O'Donnell knowingly and willfully

violated 2 U.S.C. § 441f, a

; (2) find probable

cause to believe that O'Donnell & Mortimer LLP f/k/a O'Donnell & Shaeffer LLP ("the Firm")

violated 2 U.S.C. § 441f;

(3) find probable

cause to believe that Dolores Valdez violated 2 U.S.C. § 441f, but take no further action other

than to issue a letter of admonishment and close the file; and (4) take no further action other than

to issue letters of admonishment and close the file as to the fifteen remaining conduit

respondents.

¹ This matter was generated by the Commission severing allegations as to these Respondents from a matter previously designated as MUR 5366. Although this is the first report submitted under MUR 5758, this fact pattern was discussed in MUR 5366 General Counsel's Reports #1, #3, and #5.

II. INTRODUCTION

The Commission previously found reason to believe that the Firm knowingly and willfully violated 2 U.S.C. § 441f, that Pierce O'Donnell violated 2 U.S.C. § 441f, and that various other Respondents, including Dolores Valdez, violated 2 U.S.C. § 441f. The basis for these findings was information that the Firm may have reimbursed some of its employees for contributions to John Edwards's 2004 presidential campaign. See Factual and Legal Analyses in MUR 5366.

The results of the ensuing investigation are fully set forth in the General Counsel's Briefs issued to Pierce O'Donnell, O'Donnell & Mortimer, LLP, and Dolores Valdez (referred to hereinafter as "O'Donnell Brief," "Firm Brief," and "Valdez Brief"), which are incorporated by reference. In sum, Pierce O'Donnell (who asserted his Fifth Amendment right rather than provide testimony in this matter) used his personal funds to reimburse sixteen individuals (including employees of the Firm) for \$32,000 in contributions to Edwards for President ("the Edwards Committee"), and he was assisted in this scheme by his legal secretary, Dolores Valdez (who also asserted her Fifth Amendment right).²

Pierce O'Donnell, the Firm, and Dolores Valdez do not dispute the basic facts as to the reimbursement of contributions set forth in the General Counsel's Briefs. See O'Donnell Response Brief filed on Dec. 11, 2006; Supplemental O'Donnell Response Brief filed on Jan. 3, 2007; Firm Response Brief filed on Dec. 14, 2006; and Valdez Response Brief filed on Dec. 5, 2006. The O'Donnell Response is limited to arguing that Pierce O'Donnell had a mental

² For unknown reasons, only \$28,000 of these contributions were received and deposited by the Edwards Committee. The Edwards Committee, which appears to have had no knowledge of the reimbursements and which promptly refunded all contributions solicited by O'Donnell upon learning of the allegations, is not a respondent in this matter.

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1 condition that caused him to lack the capacity to act in a knowing and willful manner. The Firm
2 Response is limited to arguing that the Firm is not vicariously liable for O'Donnell's alleged
3 violations of law in connection with this matter. The Valdez Response is limited to arguing that
4 Valdez was a subordinate employee who simply followed O'Donnell's instructions in organizing
5 the reimbursement scheme, and asks the Commission to exercise its discretion by taking no
6 further action.

7 Based on our consideration of the responses, we are recommending that the Commission
8 find probable cause to believe that specific Respondents violated the Act. We recommend that the
9 Commission find probable cause to believe that Pierce O'Donnell knowingly and willfully
10 violated 2 U.S.C. § 441f,

11
12 We also recommend that the Commission find probable cause to believe that
13 the Firm violated 2 U.S.C. § 441f (but exercise its prosecutorial discretion to make this finding
14 without a knowing and willful component). We
15 further recommend that the Commission find probable cause to believe that Dolores Valdez
16 violated 2 U.S.C. § 441f, but take no further action other than to issue a letter of admonishment.
17 Finally, we recommend that the Commission take no further action other than to issue letters of
18 admonishment to various individuals who served as conduits for reimbursed contributions to the
19 Edwards Committee.

20 **III. FACTUAL SUMMARY**

21 Pierce O'Donnell, a name partner in the Firm, reimbursed \$32,000 in contributions to the
22 Edwards Committee in March of 2003. These contributions and reimbursements were connected
23 to a March 1, 2003 fundraising breakfast O'Donnell had hosted for Edwards that was attended by

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1 some attorneys of the Firm as well as other individuals. Although O'Donnell used the Firm's
2 resources, including its personnel, supplies and letterhead to organize the breakfast fundraiser, he
3 made the reimbursements using his personal funds.

4 When O'Donnell failed to meet his fundraising goal through the fundraiser, he asked
5 Dolores Valdez, his legal secretary, to find employees of the Firm who would contribute in
6 return for reimbursement of their contribution. As discussed in the General Counsel's Briefs,
7 Valdez had previously made similar arrangements for O'Donnell following a fundraiser held by
8 the Firm for local mayoral candidate James Hahn.³ In response to O'Donnell's request for
9 contributions to the Edwards Committee, Ms. Valdez asked various non-lawyer employees of the
10 Firm to make contributions, which O'Donnell would reimburse, and also asked some of those
11 employees to solicit their friends and family members to make contributions, which also would
12 be reimbursed by O'Donnell.⁴ See Flow Chart of Reimbursements attached to General
13 Counsel's Briefs at Attachment 1.

14 O'Donnell, who was an experienced political fundraiser and former congressional
15 candidate, was fully aware that it was illegal to reimburse contributions and even signed a donor
16 card provided by the Edwards Committee noting the prohibition on contributions made in the
17 name of another. O'Donnell's Response does not dispute his knowledge that it was illegal to
18 reimburse the contributions. O'Donnell Response at 7; O'Donnell Response Exh. 1 at 4.
19 O'Donnell, however, has submitted medical evidence indicating that he was, and is, suffering

³ As noted in the General Counsel's Brief, O'Donnell recently settled both criminal and civil charges in Los Angeles relating to the reimbursement of the Hahn contributions by pleading no contest to multiple counts of using a false name to make campaign contributions. See GC Brief at pp. 8-9 and fn 7.

⁴ As noted in the General Counsel's Brief, the lawyers at the Firm who agreed to contribute to the Edwards Committee appear to have done so without any promise of reimbursement.

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1 from Bipolar Disorder, which impaired his judgment and purportedly diminished his capacity to
2 have "willfully" violated the Act.

3 The Firm has submitted evidence that no partner in the Firm other than O'Donnell was
4 aware of the reimbursements and has argued that it is not vicariously liable for violations by
5 O'Donnell that it contends did not occur as part of the Firm's ordinary course of business.

6 **IV. LEGAL ANALYSIS**

7 **A. Pierce O'Donnell**

8 The Act prohibits any person from making a contribution in the name of another.
9 2 U.S.C. § 441f; 11 C.F.R. § 110.4(b)(2). O'Donnell made \$32,000 in contributions in the
10 names of sixteen other individuals. See O'Donnell Brief at 9-13. That is not disputed by the
11 respondent. Although the evidence discussed in the General Counsel's Briefs and below shows
12 that the violation is knowing and willful, O'Donnell argues that he lacked the capacity to commit
13 a "knowing and willful" violation of the law due to a previously undiagnosed mental illness.

14 The phrase "knowing and willful" indicates that "acts were committed with a knowledge
15 of all the relevant facts and a recognition that the action is prohibited by law...." H.R. Rpt. 94-
16 917 at 3-4 (Mar. 17, 1976) (*reprinted in* Legislative History of Federal Election Campaign Act
17 Amendments of 1976 at 803-4 (Aug. 1977)); see also *National Right to Work Comm. v. FEC*,
18 716 F.2d 1401, 1403 (D.C. Cir. 1983) (citing *AFL-CIO v. FEC*, 628 F.2d 97, 98, 101, 102 (D.C.
19 Cir. 1980) for the proposition that "knowing and willful" means "'defiance' or 'knowing,
20 conscious, and deliberate flaunting' [sic] of the Act" as opposed to "a breach of law by mistake,
21 not by willful wrong"); *United States v. Hopkins*, 916 F.2d 207, 214-15 (5th Cir. 1990). The
22 *Hopkins* court also held that taking steps to disguise the source of funds used in illegal activities
23 might reasonably be explained as the result of a "motivation to evade lawful obligations." (*citing*

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1 *Ingram v. United States*, 360 U.S. 672, 679 (1959)) (internal quotations omitted). A Section
2 441f violation, in which the true source of the funds used to make a contribution is withheld from
3 the recipient committee, is inherently self-concealing.

4 As noted in the General Counsel's Briefs, there are multiple reasons to conclude that
5 O'Donnell knowingly and willfully violated the Act.⁵ See O'Donnell Brief at 10-11. First,
6 O'Donnell's decades of prior experience with political fundraising demonstrates his knowledge
7 of the law. From running for Congress to seeking an advisory opinion from the Commission to
8 serving on the national finance committee of a presidential campaign, O'Donnell is a
9 sophisticated political actor. Second, the Edwards Committee sent O'Donnell an informational
10 packet that recited the prohibition on making contributions in the name of another. Third,
11 O'Donnell signed a donor card provided by the Edwards Committee that explicitly stated that
12 contributions cannot be reimbursed. Fourth, O'Donnell developed an elaborate scheme to
13 disguise the source of his contributions by using multiple levels of conduits, which disguised the
14 true source of the contributions. Finally, the use of the word "bonus" on the memo lines of
15 reimbursement checks to Firm employees suggests an intent to hide the true purpose of the
16 checks.⁶ These circumstances establish a clear basis for the Commission to find probable cause
17 to believe that O'Donnell's violation of the Act was knowing and willful.

⁵ The Commission also may draw an adverse inference from O'Donnell's refusal to testify in this matter. See *Baxter v. Palmigiano*, 425 U.S. 308, 318 (1976); *SEC v. Gemstar-TV Guide Int'l, Inc.*, 401 F.3d 1031, 1046 (9th Cir. 2005) ("[p]arties are free to invoke the Fifth Amendment in civil cases, but the court is equally free to draw adverse inferences from their failure of proof") quoting *SEC v. Colella*, 139 F.3d 674, 677 (9th Cir. 1998).

⁶ In its one comment on a fact other than O'Donnell's mental state, the O'Donnell Response states that that "there is no evidence before the Commission that O'Donnell personally prepared the checks or included the typed 'bonus' notation on certain of the checks." (O'Donnell Response at 3, fn 3). Notwithstanding this qualification, the O'Donnell Response apparently does not contest that Pierce O'Donnell both authorized and signed checks for contribution reimbursements containing the "bonus" notation.

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1 In arguing the violations were not knowing and willful, O'Donnell's response relies on
2 the letters from four mental health professionals who examined O'Donnell, for varying lengths
3 of time in recent months, and diagnosed him as having either Bipolar I or II Disorder.⁷
4 See O'Donnell Response, Exhs. 1-5. According to the Response, in spite of O'Donnell's
5 "intellectual and professional capabilities and achievements," his mental illness "significantly
6 impaired ... his judgment and capacity to form the requisite intent" that the O'Donnell Response
7 argues is required to satisfy the knowing and willful standard.⁸ See O'Donnell Response at 3.
8 Pursuant to a request set forth in the Response, we met with Dr. Mark Mills to further discuss his
9 diagnosis of Mr. O'Donnell. In that meeting, Dr. Mills acknowledged that O'Donnell knew that
10 his conduct was illegal and had attempted to conceal it, but opined that both the knowing and
11 willful elements of his conduct were significantly "blurred" by his purported mental impairment.
12 Int. with Dr. Mark Mills, Dec. 19, 2006. Dr. Mills stated that at the time of the Edwards
13 contributions, O'Donnell was likely in a hypomanic state that prevented him from "connecting
14 the dots," or properly weighing the relative importance of the legal prohibition on the
15 reimbursement of federal contributions. Thus, Dr. Mills claimed that at one level O'Donnell

⁷ A definition of Bipolar Disorder from the National Institutes of Mental Health website is provided in the O'Donnell response brief. See O'Donnell Response at 5. According to Dr. Mark Mills, O'Donnell had not been diagnosed with Bipolar Disorder in 2003. Int. with Dr. Mark Mills, Dec. 19, 2006. Indeed, one of the mental health professionals submitting a report, Burt Crausman, Ph.D., treated Mr. O'Donnell for a considerable time from May 1995 until December 1997, and more recently from August 2004 to the present, without recognizing his patient's symptoms as being indicative of a Bipolar disorder, until such a diagnosis was made by another expert retained to examine Mr. O'Donnell after the Commission began investigating this matter. See O'Donnell Response at Attachment 4.

⁸ Notwithstanding the alleged impact on his judgment in terms of deciding to reimburse the contributions to the Edwards Committee, several of the mental health professionals who evaluated O'Donnell claim the impairment was compartmentalized to his personal dealings and did not significantly impact O'Donnell's performance as a lawyer during the same time period because of assistance provided by his colleagues and staff. In their supplemental response brief, O'Donnell's counsel asserted that his Bipolar Disorder had some demonstrated effect on his legal practice in the area of client and colleague relations, but that does not impact our analysis. See O'Donnell Supplemental Response at 1-4.

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1 knew what the law was, but because of his illness he was unable to fully comprehend that the
2 law applied to him. Int. with Dr. Mark Mills, Dec. 19, 2006. In sum, O'Donnell argues that his
3 purported mental condition negates a finding that he acted knowingly and willfully. See
4 O'Donnell Response at 13-16.

5 O'Donnell is arguing a diminished capacity defense, similar to that used to negate a
6 "specific intent" requirement in criminal prosecutions. See, e.g., *United States v. Saywitz*, 107
7 F. 3d 1405, 1412 (9th Cir. 1997); *United States v. Esheverry*, 759 F.2d 1451, 1454 (9th Cir.
8 1985). In such cases, a defendant must provide sufficient evidence that a mental condition raises
9 reasonable doubt that the defendant had the capacity to actually form the level of intent required
10 as an element of a particular criminal offense. See *U.S. v. Erskine*, 588 F.2d 721 (9th Cir. 1978).
11 In a murder trial, for example, a successful diminished capacity defense might result in a
12 reduction to the charge of manslaughter. We have found no cases in which diminished capacity
13 has been used as a defense to a criminal violation of the FECA, or any analogous cases where
14 diminished capacity has been used to negate the "knowing and willful" component of a violation
15 in civil enforcement actions.⁹ See 2 U.S.C. § 437g(d).

16 O'Donnell's recent claim of diminished capacity cannot overcome the strong evidence
17 that he had knowledge of the law and took deliberate (rather than accidental or inadvertent)
18 actions that violated the law. First, the purported condition was not diagnosed at or even shortly
19 after the time of the violations. Indeed, O'Donnell's mental state was raised only after it became
20 clear that the Commission would not conciliate without either a finding or an admission that

⁹ Significantly, Section 5K2.13 of the Federal Sentencing Guidelines recognizes "Diminished Capacity" not as a defense to liability for violation of the law, but as a general mitigating factor that might be a basis for justifying a downward departure in terms of sentencing. Such a departure is only available, however, if the diminished capacity is found to have "contributed substantially to the commission of the offense."

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1 O'Donnell knowingly and willfully violated the law. Second, the mental health professionals
2 whose opinions have been proffered by O'Donnell were retained, in part, for purposes of
3 defending O'Donnell's legal exposure before the Commission, and likely any subsequent
4 criminal prosecution; none of their conclusions were reached contemporaneously with the
5 actions that constitute violations of the law in this matter. See O'Donnell Response, Exhs. 1, 3-
6 5. In fact, the earliest examination of Mr. O'Donnell that led to a diagnosis of Bipolar Disorder
7 was in February of 2005, almost two years after the activities that led to this investigation. See
8 O'Donnell Response Exh. 1. Third, it is undisputed that O'Donnell knew that it was illegal to
9 reimburse the contributions. O'Donnell's subsequent actions were neither accidental nor
10 inadvertent, but were a deliberate effort to circumvent the law and conceal what he fully
11 understood to be violations of the law. Thus, even if O'Donnell's judgment was impaired by a
12 medical condition, there is no basis on the record to conclude that such an impairment totally
13 negated O'Donnell's capacity to act in a knowing and willful manner. Finally, O'Donnell's
14 diminished capacity argument should receive even less weight given the fact that O'Donnell has
15 offered no testimony regarding his mental impairment and how it purportedly related to his
16 assumption that he was acting in violation of the Act.

17 Our meeting with Dr. Mack Mills further confirms that O'Donnell knowingly violated the
18 Act. For example, we asked Dr. Mills why O'Donnell chose one method of violating the law
19 over another in trying to meet his commitment to the Edwards campaign. In other words, if his
20 mental illness prevented him from appreciating that the law applied to his actions, why did he
21 choose to disguise his actions rather than making a direct excessive contribution himself without
22 the use of conduits? Dr. Mills acknowledged that O'Donnell "knew both were wrong" and
23 conceded that O'Donnell chose the method least likely to be detected.

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1 Notwithstanding the concealment, which we view as evidence of O'Donnell's awareness
2 that the law applied to him, Dr. Mills still opined that O'Donnell's mental state was not
3 consistent with "flaunting the law." Int. of Dr. Mark Mills, Dec. 19, 2006. O'Donnell's defense
4 appears to be that while his actions were knowing, his mental illness prevented them from being
5 willful. However, O'Donnell took a series of deliberate and calculated steps "to disguise the
6 source of the funds." *Hopkins*, 916 N.2d at 213-14. This was also the second time he had
7 engaged in such a reimbursement scheme, the first being the Hahn contributions discussed in the
8 General Counsel's Brief. See O'Donnell Brief at 8-9. Accordingly, O'Donnell's actions should
9 be regarded as willful.

10 In sum, the medical opinions offered by Respondent's experts fail to rebut the substantial
11 evidence that O'Donnell's actions were knowing and willful. Accordingly, we recommend that
12 the Commission find probable cause to believe that Pierce O'Donnell knowingly and willfully
13 violated 2 U.S.C. § 441f by making contributions in the names of another.

14 **B. O'Donnell & Mortimer LLP**

15 The General Counsel's Brief sent to the Firm sets forth the arguments for holding the
16 Firm vicariously liable for O'Donnell's knowing and willful violation of the FECA. See Firm
17 Brief 10-17. The Firm, without disputing any of the facts relating to the reimbursement scheme,
18 argues that O'Donnell's fundraising activities for the Edwards Committee were outside the scope
19 of his employment and that all of the other partners were unaware of the illegal reimbursements.
20 See Firm Response at 16-18. The Firm's Response includes an affidavit from the Firm's former

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1 managing partner, Ann Marie Mortimer, in which she swears to the fact that she was unaware of
2 the reimbursements at the time they were made.¹⁰ Firm Response Exh. A.

3 Notwithstanding the lack of awareness by other partners, the Firm can be held liable for
4 O'Donnell's wrongful acts. As established in the General Counsel's Brief, O'Donnell appears to
5 have been acting as an agent of the Firm in the ordinary course of business when he became
6 involved in fundraising for Edwards and made the misappropriated contributions at issue. O'Donnell
7 Brief at 14-15. Indeed, both the Edwards contributions and O'Donnell's prior fundraising for the
8 Hahn mayoral campaign highlight how such activities are within the scope of his employment by
9 the Firm. In both cases, O'Donnell openly used Firm resources, supplies, and personnel for
10 political fundraising, and held the Firm out to the world as sponsoring a fundraising event.¹¹

11 The Firm attempts to argue that it could be held liable for the acts of its partner only if the
12 Firm was in the business of illegally reimbursing campaign contributions. Firm Response at 10-
13 11. However, California caselaw reveals that the illegal act itself does not have to be within the
14 scope of the partnership business for the partnership to be held liable for the wrongful act of one
15 of its partners. See *Blackmon v. Hale*, 463 P.2d 418 (Cal. 1970). Rather, "the apparent scope of
16 the partnership business depends primarily on the conduct of the partnership and its partners and
17 what they cause third persons to believe about the authority of the partners." *Blackmon*, 463
18 P.2d at 423. "Ostensible agency or acts within the scope of the partnership business are
19 presumed 'where the business done by the supposed agent, so far as open to the observation of

¹⁰ In its response brief, the Firm represented that it is in the process of dissolution, with former named partner, John Shaeffer, having left the firm some time ago, and the remaining partner, Ann Marie Mortimer, along with most of the other attorneys, having recently moved to the Los Angeles office of another firm. Firm Brief at fn 1.

¹¹ Based upon representations made in its Supplemental Brief, it also appears that O'Donnell became involved in both the Hahn and Edwards fundraising activities through a professional association with another lawyer involved in cases being handled by the Firm. See Supplemental O'Donnell Response Brief at p. 5.

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1 third parties, is consistent with the existence of an agency, and where, as to the transaction in
2 question, the third party was justified in believing that an agency existed." *Id.* (citing *County*
3 *First Nat. Bank of Santa Cruz v. Coast Dairies & Land Co.*, 46 Cal. App. 2d 355, 366 (1941);
4 *Kamen & Co. v. Paul H. Aschkar & Co.*, 382 F.2d 689, 695 (9th Cir. 1967). It appears,
5 therefore, that O'Donnell's fundraising activities were done in the scope of his employment and
6 to benefit the Firm, as stated above, and that is enough to hold the Firm vicariously liable for
7 O'Donnell's illegal actions done in the course of his fundraising.

8 Although the Firm can be held vicariously liable for a knowing and willful violation of
9 the law, we are recommending that the Commission make a probable cause finding for only a
10 non-knowing and willful violation. While the lack of knowledge by other partners does not
11 negate vicarious liability for a knowing and willful element, it is a mitigating factor. In addition,
12 from a practical standpoint, their lack of knowledge will likely be a significant obstacle in
13 persuading the Firm's other partners to agree to conciliate a knowing and willful violation
14 attributable entirely to O'Donnell's actions. Finally, the fact that the Firm is being dissolved
15 means that it will not have any future involvement in the political process. At this point, we do
16 not believe it is worth expending the additional Commission resources that would be required to
17 resolve the Firm's liability on a knowing and willful basis. Nonetheless, the Commission should
18 pursue a violation by the Firm, exercising its prosecutorial discretion with regard to the knowing
19 and willful element based on the totality of the circumstances. Therefore, we recommend that
20 the Commission find probable cause to believe that O'Donnell & Mortimer LLP violated
21 2 U.S.C. § 441f.

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C. Dolores Valdez

Although we recommend that the Commission find probable cause to believe that Ms. Valdez violated the Act, we believe it would be appropriate for the Commission to take no further action other than issue a letter of admonishment to Ms. Valdez.

As stated in the Valdez Response, this respondent is a legal immigrant with a high school education. Valdez Response at 1. Pierce O'Donnell hired her and had the authority to terminate her employment. *Id.* The response also contends, which comports with what we learned in the investigation, that Valdez was carrying out the requests of her employer in the course of her employment and did not perceive that she had a choice in the matter. Valdez Response at 6.

Although the O'Donnell medical reports indicate that Ms. Valdez expressed reservations about the scheme, there is no evidence that she knew the reimbursements were illegal, and indeed may have relied on O'Donnell's supposed expertise as a well-known lawyer and her boss.

Valdez has asserted her Fifth Amendment right not to testify; however, she has otherwise cooperated with the investigation by voluntarily providing relevant bank documents.

In sum, while Valdez may have more responsibility than other participants, she was ultimately acting on the orders of her employer. Therefore, we recommend that the Commission find probable cause to believe that Dolores Valdez violated 2 U.S.C. § 441f, but take no further action other than admonishment and close the file.

D. Other Conduits

The Commission previously found reason to believe that a number of other individuals who were conduits in O'Donnell's reimbursement scheme violated the Act. Although the investigation confirmed that these individuals were reimbursed for their contributions to the

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1 Edwards Committee (see Attachment 1 – Chart of Reimbursements), we chose not to issue
2 probable cause briefs as to their violations. Our decision was based on a combination of the
3 conduits' limited role, their apparent reliance on O'Donnell's legal expertise, and the unequal
4 bargaining power that O'Donnell had over the employees of the Firm. This decision is
5 consistent with past Commission precedent in declining to proceed against more conduits. See
6 e.g. MUR 5366 (Tab Turner) and MUR 5398 (LifeCare).

7 Therefore, we recommend that the Commission take no further action other than
8 admonishment and close the file with respect to the following individuals: Christina Andujo,
9 Hilda Escobar, Jacqueline Folsom, Russell Folsom, Anita Latinovic, Elise Latinovic, Mary
10 O'Donnell, Meghan O'Donnell, Elizabeth Owen, Bert Rodriguez, Johnny Rodriguez, Rafael
11 Velasco, Gerald Wahl, Helen Wahl, and Harry Silberman.

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VI. RECOMMENDATIONS

1. Find probable cause to believe that Pierce O'Donnell knowingly and willfully violated 2 U.S.C. § 441f;
- 2.
- 3.
4. Find probable cause to believe that O'Donnell & Mortimer LLP d/b/a O'Donnell & Shaeffer LLP violated 2 U.S.C. § 441f;
- 5.
6. Find probable cause to believe that Dolores Valdez violated 2 U.S.C. § 441f;
7. Take no further action other than admonishment and close the file with respect to Dolores Valdez;

- 1 8. Take no further action other than admonishment and close the file with respect to the
2 following conduit respondents: Christina Andejo, Hilda Escobar, Jacqueline Folsom,
3 Russell Folsom, Anita Latinovic, Elsie Latinovic, Mary O'Donnell, Meghan
4 O'Donnell, Elizabeth Owen, Bert Rodriguez, Johnny Rodriguez, Rafael Velasco,
5 Gerald Wahl, Helen Wahl, and Harry Silberman, and;
- 6 9. Approve the appropriate letters.

7
8
9
10 2/13/03
11 Date

Lawrence H. Norton
Lawrence H. Norton
General Counsel

Rhonda J. Vosdingh
Rhonda J. Vosdingh
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Mark Shonkwiler
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30 Attachment: 1. Chart of Reimbursements
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Reimbursement Flow Chart

